

## **REMARKS/ARGUMENTS**

Applicant has reviewed and considered the Final Office Action dated March 6, 2008 and the cited references therein. In response thereto, claims 1 and 11 are amended. Claims 1-4 and 6-19 are pending in the present application.

### *Rejections under 35 U.S.C. § 102(e) and 103(a)*

Claims 1-13, 15-17 and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Schiff et al (US 2003/0158777). Claims 14, 18, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schiff et al. in view of Eggleston et al. (6061660). Applicant respectfully traverses the rejection for at least the following reasons.

Claim 1 is amended to recite a marketing system that matches a customer profile to marketing offers, the marketing system comprising: a database including a customer profile containing information related to a customer's interests in products and services; a database including a plurality of marketing offers related to products and services; and a server for executing a program operable to match a selected offer of the plurality of marketing offers to the customer profile, wherein the customer profile is a permission-based marketing profile within the server which continuously communicates through Internet to scan for product and service offers that appear to match the customer profile. Support for the amendments can be found on page 3, line 26 to page 4, line 2 of the present application).

Schiff describes a user-driven data network communication system and method. More particularly, Schiff discloses a user-driven system and method by which the user is the one who requests messages from specific vendors to be shown to him, which is an aim of the present invention, as opposed to the methods in which the system decides what and when to show to him (see page 1, paragraph [0006] of Schiff). Accordingly, Schiff not only does not disclose or teach a permission-based marking profile within a server to continuously communicate through Internet to scan for product and service offers that appear to match the customer profile containing information related to a customer's interests in products and services as recited in claim 1, but also teaches away from the recited claim 1 by providing an individual, user-driven system that provides a user-driven advertisement method and system in which the user has

control over the messages shown to him, not a marketing matching system as recited in claim 1. Thus, Applicant respectfully submits that claim 1 patentably distinguishes over Schiff.

Claim 11 is amended to recite a marketing method for matching a plurality of company offers with a plurality of customer profiles, the method comprising: evaluating the plurality of offers and the customer profiles, the customer profile being a permission-based marketing profile; continuously communicating through Internet to scan for product and service offers that appear to match the customer profiles; and matching a selected offer to a selected customer profile.

As discussed above, Schiff fails to disclose or teach a marketing method having a permission-based marketing profile and continuously communicating through Internet to scan for product and service offers that appear to match the customer profiles. Thus, claim 11 patentably distinguishes over Schiff.

Eggleston discloses a system and method for incentive programs and award fulfillment over a computer network. Eggleston also fails to disclose or teach the above discussed features.

The remaining claims are dependent claims which are patentable over Schiff for at least the same reasons.

### Conclusion

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Reconsideration of the present application and a favorable response are respectfully requested.

This response is being submitted on or before July 7, 2008, with the required fee of \$60 for a 1-month extension of time, making this a timely response. It is believed that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

If a telephone conference would be helpful in resolving any remaining issues, please contact the undersigned at 612-752-7367.

Respectfully submitted,

DORSEY & WHITNEY LLP  
**Customer Number 25763**

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By: Min S. Xu  
Min (Amy) S. Xu  
Reg. No. 39,536